



**Department of
Environmental
Conservation**

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:

<input type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
<input type="checkbox"/>	Add applicant(s)
<input type="checkbox"/>	Substitute applicant(s)
<input type="checkbox"/>	Remove applicant(s)
<input type="checkbox"/>	Change in name of applicant(s)
<input type="checkbox"/>	Amendment to reflect a transfer of title to all or part of the brownfield site:
	<p>a. A copy of the recorded deed must be provided. Is this attached? Yes <input type="radio"/> No <input type="radio"/></p> <p>b. <input type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)</p> <p>c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes <input type="radio"/> No <input type="radio"/> Submitted on: _____</p>
<input checked="" type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
<input type="checkbox"/>	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment: This Brownfield Cleanup Agreement ("BCA") Amendment Application is being submitted to correct the acreage of the BCP Site.

The acreage of 0.759, listed in the original application and the BCA, is incorrect. The actual acreage of the BCP Site is 0.5883 and the BCP Site boundary corresponds with Tax lot Lot 100. Please see the survey attached as Exhibit A.

SECTION I: CURRENT AGREEMENT INFORMATION*This section must be completed in full. Attach additional pages as necessary.*

BCP SITE NAME: PRD Electronics Manufacturing Site	BCP SITE CODE: C224342
NAME OF CURRENT APPLICANT(S): YYY Brooklyn NY LLC, Brooklyn Red Sauce LLC and 67 Prince Street Ground Owner LLC	
INDEX NUMBER OF AGREEMENT: C224342-03-22	DATE OF ORIGINAL AGREEMENT: 03/25/2022

SECTION II: NEW REQUESTOR INFORMATION*Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.*

NAME:				
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR CONTACT:				
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR'S CONSULTANT:		CONTACT:		
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR'S ATTORNEY:		CONTACT:		
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
			Y	N
1. Is the requestor authorized to conduct business in New York State?			<input type="radio"/>	<input type="radio"/>
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?			<input type="radio"/>	<input type="radio"/>
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?			<input type="radio"/>	<input type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			N/A <input type="radio"/>	<input type="radio"/>
5. Describe the new requestor's relationship to all existing applicants:				

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION*Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.*

Owner listed below is: <input type="checkbox"/> Existing Applicant <input type="checkbox"/> New Applicant <input type="checkbox"/> Non-Applicant	
OWNER'S NAME:	CONTACT:
ADDRESS:	
CITY/TOWN:	ZIP CODE:
PHONE:	EMAIL:
OPERATOR:	CONTACT:
ADDRESS:	
CITY/TOWN:	ZIP CODE:
PHONE:	EMAIL:

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION*Complete this section only if adding new requestor(s). Attach additional pages if necessary.*

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	<input type="radio"/>	<input type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the subject law; (ii) any order or determination; (iii) any regulation implementing ECL Article 27 Title 14; or (iv) any similar statute or regulation of the state or federal government? If so, provide additional information as an attachment.	<input type="radio"/>	<input type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	<input type="radio"/>	<input type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting or contaminants?	<input type="radio"/>	<input type="radio"/>
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?	<input type="radio"/>	<input type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?	<input type="radio"/>	<input type="radio"/>

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?		<input type="radio"/>	<input type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?		<input type="radio"/>	<input type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?		<input type="radio"/>	<input type="radio"/>
12. THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="checkbox"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of a hazardous waste or discharge of petroleum. NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that they have exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.		
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		N/A <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>
14. Requestor's relationship to the property (check all that apply): <input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____			
15. If the requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?		N/A <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason.

1. Property information on current agreement (as modified by any previous amendments, if applicable):

ADDRESS: 67 Prince Street

CITY/TOWN Brooklyn, New York

ZIP CODE: 11201

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE: 0.759

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

67 Prince Street

Brooklyn

2050

100

0.759

2. Requested change (check appropriate boxes below):

☐

a. Addition of property (may require additional citizen participation depending on the nature of the expansion – see instructions)

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE ADDED: _____

☐

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE REMOVED: _____

☒

c. Change to SBL (e.g., lot merge, subdivision, address change)

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

67 Prince Street

Brooklyn

2050

100

0.5883

3. TOTAL REVISED SITE ACREAGE: 0.5883

4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?

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**APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT
QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down as defined below?	<input type="radio"/>	<input type="radio"/>
<p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>		
5. Is the project and affordable housing project as defined below?	<input type="radio"/>	<input type="radio"/>
<p>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' household's annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States Department of Housing and Urban Development, or its successor, for a family of four, as adjusted for family size.</p>		

APPLICATION SUPPLEMENT FOR NYC SITES (continued)	Y	N
<p>6. Is the project a planned renewable energy facility site as defined below?</p> <p>From ECL 27-1405(33) as of April 9, 2022:</p> <p>"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.</p> <p>From Public Service Law Article 4 Section 66-p as of April 23, 2021:</p> <p>(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.</p>	<input type="radio"/>	<input type="radio"/>
<p>7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?</p> <p>From ECL 75-0111 as of April 9, 2022:</p> <p>(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.</p>	<input type="radio"/>	<input type="radio"/>

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT**EXISTING AGREEMENT INFORMATION**

BCP SITE NAME: PRD Electronics Manufacturing Site

BCP SITE CODE: C224342

NAME OF CURRENT APPLICANT(S): YYY Brooklyn NY LLC, Brooklyn Red Sauce LLC and 67 Prince Street Ground Owner LLC

INDEX NUMBER OF AGREEMENT: C224342-03-22

DATE OF ORIGINAL AGREEMENT 03/25/2022

Declaration of Amendment:

By the requestor(s) and/or applicant(s) signature(s) below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from obligations held under the Agreement or those same laws.

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.

(Individual)

I hereby affirm that the information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am _____ (title) of _____ (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am a Member (title) of Brooklyn Red Sauce LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Eli S. Weiss's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 11.2.23 Signature: Print Name: Eli S. Weiss**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS****REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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Effective Date of the Original Agreement: 3/25/2022

Signature by the Department:

DATED: 11-21-2023NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:


Janet E Brown, Assistant Director
Division of Environmental Remediation

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am Managing Member (title) of YYY Brooklyn NY LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Eli S. Weiss's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 11.2.23 Signature: _____Print Name: Eli S. Weiss**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS****REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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Effective Date of the Original Agreement: 3/25/2022

Signature by the Department:

DATED: 11-21-2023NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

Janet E Brown
Janet E Brown, Assistant Director
Division of Environmental Remediation

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am Chief Legal Officer (title) of 67 Prince Street Ground Owner LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Douglas Heitner's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 11/2/23 Signature: [Signature]

Print Name: Douglas Heitner

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

<input type="checkbox"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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Effective Date of the Original Agreement: 03/25/2022

Signature by the Department:

DATED: 11-21-2023

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

Janet E Brown

Janet E Brown, Assistant Director
Division of Environmental Remediation

EXHIBIT A

TAX LOT NO. 100' BCP SITE/EASEMENT AREA LEGAL DESCRIPTION

All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF TILLARY STREET, DISTANT 91.00 FEET (91.08 FEET U.S.S.) EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF TILLARY STREET AND THE EASTERLY SIDE OF PRINCE STREET;

RUNNING THENCE SOUTHERLY PARALLEL WITH PRINCE STREET, 91 FEET TO A POINT AT THE NORTH FACE OF A CHIMNEY;

THENCE WESTERLY PARALLEL WITH TILLARY STREET AND ALONG THE NORTH FACE OF SAID CHIMNEY, 5 FEET TO THE CHIMNEY CORNER;

THENCE SOUTHERLY PARALLEL WITH PRINCE STREET AND ALONG THE WEST FACE OF SAID CHIMNEY, 9 FEET;

THENCE WESTERLY PARALLEL WITH TILLARY STREET AND PART OF THE WAY THROUGH A ONE STORY ENCLOSED STAIRWAY, 37 FEET 6 INCHES (37.50 FEET)(37.53 FEET U.S.S.) TO A POINT;

THENCE NORTHERLY PARALLEL WITH PRINCE STREET, 3 FEET 6 INCHES TO A LINE DRAWN PARALLEL WITH TILLARY STREET AND DISTANT 96 FEET 6 INCHES (96.50 FEET) SOUTHERLY THEREFROM;

THENCE WESTERLY PARALLEL WITH TILLARY STREET AND 6 INCHES SOUTH OF THE SOUTH FOUNDATION LINE OF AN EIGHT STORY CONCRETE BUILDING, 48 FEET 6 INCHES (48.50 FEET)(48.55 FEET U.S.S.) TO THE EASTERLY SIDE OF PRINCE STREET;

THENCE SOUTHERLY ALONG THE EASTERLY SIDE OF PRINCE STREET, 87 FEET 9 INCHES (87.75 FEET)(88.16 FEET ACTUAL) TO A POINT;

THENCE EASTERLY PARALLEL WITH TILLARY STREET, 85.00 FEET (85.08 FEET U.S.S.);

THENCE NORTHERLY PARALLEL WITH PRINCE STREET, 34.25 FEET;

THENCE EASTERLY PARALLEL WITH TILLARY STREET, 85.00 FEET (85.08 FEET U.S.S.) TO THE WESTERLY SIDE OF FLEET STREET (DISCONTINUED);

THENCE NORTHERLY PARALLEL WITH PRINCE STREET, 0.44 FEET;

THENCE EASTERLY PARALLEL WITH TILLARY STREET, 40.00 FEET ;

THENCE NORTHERLY PARALLEL WITH PRINCE STREET, 152.51 FEET TO THE SOUTHERLY SIDE OF TILLARY STREET;

THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF TILLARY STREET, 40.08 FEET;

THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF TILLARY STREET, 79.00 FEET (79.08 FEET ACTUAL) TO THE POINT OR PLACE OF **BEGINNING**.

FOR INFORMATION ONLY: PREMISES KNOWN AS 202-208 TILLARY STREET (A/K/A 67-73 PRINCE STREET), BROOKLYN , NEW YORK, AND DESIGNATED AS BLOCK 2050 LOT 100.

AREA: 25.627.1 Square Feet 0.5883 Acres

DEED DESCRIPTION OF FORMER LOT NO. 100

All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF TILLARY STREET, DISTANT 91.00 FEET (91.08 FEET U.S.S.) EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF TILLARY STREET AND THE EASTERLY SIDE OF PRINCE STREET;

RUNNING THENCE SOUTHERLY PARALLEL WITH PRINCE STREET, 91 FEET TO A POINT AT THE NORTH FACE OF A CHIMNEY;

THENCE WESTERLY PARALLEL WITH TILLARY STREET AND ALONG THE NORTH FACE OF SAID CHIMNEY, 5 FEET TO THE CHIMNEY CORNER;

THENCE SOUTHERLY PARALLEL WITH PRINCE STREET AND ALONG THE WEST FACE OF SAID CHIMNEY, 9 FEET;

THENCE WESTERLY PARALLEL WITH TILLARY STREET AND PART OF THE WAY THROUGH A ONE STORY ENCLOSED STAIRWAY, 37 FEET 6 INCHES (37.50 FEET)(37.53 FEET U.S.S.) TO A POINT;

THENCE NORTHERLY PARALLEL WITH PRINCE STREET, 3 FEET 6 INCHES TO A LINE DRAWN PARALLEL WITH TILLARY STREET AND DISTANT 96 FEET 6 INCHES (96.50 FEET) SOUTHERLY THEREFROM;

THENCE WESTERLY PARALLEL WITH TILLARY STREET AND 6 INCHES SOUTH OF THE SOUTH FOUNDATION LINE OF AN EIGHT STORY CONCRETE BUILDING, 48 FEET 6 INCHES (48.50 FEET)(48.55 FEET U.S.S.) TO THE EASTERLY SIDE OF PRINCE STREET;

THENCE SOUTHERLY ALONG THE EASTERLY SIDE OF PRINCE STREET, 87 FEET 9 INCHES (87.75 FEET)(88.16 FEET ACTUAL) TO A POINT;

THENCE EASTERLY PARALLEL WITH TILLARY STREET, 85.00 FEET (85.08 FEET U.S.S.);

THENCE NORTHERLY PARALLEL WITH PRINCE STREET, 34.25 FEET;

THENCE EASTERLY PARALLEL WITH TILLARY STREET, 85.00 FEET (85.08 FEET U.S.S.) TO THE WESTERLY SIDE OF FLEET STREET (DISCONTINUED);

THENCE NORTHERLY PARALLEL WITH PRINCE STREET, 150.44 FEET TO THE SOUTHERLY SIDE OF TILLARY STREET;

THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF TILLARY STREET, 79.00 FEET (79.08 FEET ACTUAL) TO THE POINT OR PLACE OF **BEGINNING**.

FOR INFORMATIONAL PURPOSES: PREMISES KNOWS AS 202-208 TILLARY STREET (a/k/a 67-73 PRINCE STREET) BROOKLYN, NEW YORK AND DESIGNATED AS BLOCK 2050 LOT 100

AREA: 19,619.0 Square Feet, 0.4504Acres

TOGETHER WITH AN EASEMENT AS PER REEL 3763 PAGE 225

DEED DESCRIPTION OF FORMER LOT No. 98

BEGINNING AT A POINT ON THE EASTERLY SIDE OF PRINCE STREET, DISTANT 96.00 FEET SOUTHERLY FROM THE INTERSECTION OF THE SOUTHERLY SIDE OF TILLARY STREET AND THE EASTERLY SIDE OF PRINCE STREET;

RUNNING THENCE EASTERLY ALONG THE SOUTHERLY FOUNDATION FACE OF THE EIGHT STORY CONCRETE BUILDING, 83.70 FEET TO A POINT;

THENCE NORTHERLY PARALLEL WITH PRINCE STREET, 7.00 FEET TO A BUILDING CORNER;

THENCE EASTERLY PARALLEL WITH TILLARY STREET, 0.80 FEET TO A BUILDING CORNER;

THENCE NORTHERLY PARALLEL WITH PRINCE STREET, 19.00 FEET TO A BUILDING CORNER;

THENCE EASTERLY PARALLEL WITH TILLARY STREET, 3.80 FEET TO A BUILDING CORNER;

THENCE NORTHERLY PARALLEL WITH PRINCE STREET, 30.00 FEET TO A BUILDING CORNER;

THENCE EASTERLY PARALLEL WITH TILLARY STREET, 2.70 FEET TO A BUILDING CORNER;

THENCE SOUTHERLY PARALLEL WITH PRINCE STREET, 51.00 FEET TO A CHIMNEY NORTH FACE;

THENCE WESTERLY PARALLEL WITH TILLARY STREET AND ALONG THE CHIMNEY'S NORTH FACE, 5.00 FEET;

THENCE SOUTHERLY PARALLEL WITH PRINCE STREET AND ALONG THE CHIMNEY'S WEST FACE, 9.00 FEET TO THE NORTHERLY FOUNDATION FACE OF A FIVE STORY CONCRETE BUILDING;

THENCE WESTERLY ALONG THE FOUNDATION WALL OF THE FIVE STORY CONCRETE BUILDING AND PARALLEL WITH TILLARY STREET, 37.50 FEET TO A POINT;

THENCE NORTHERLY PARALLEL WITH PRINCE STREET AND THROUGH A ONE STORY ENCLOSED STAIRWAY, 3.50 FEET TO A POINT;

THENCE WESTERLY PARALLEL WITH TILLARY STREET, 48.50 FEET TO THE EASTERLY SIDE OF PRINCE STREET;

THENCE NORTHERLY ALONG THE EASTERLY SIDE OF PRINCE STREET, 0.50 FEET TO THE POINT OR PLACE OF **BEGINNING**.

FOR INFORMATIONAL PURPOSES: PREMISES DESIGNATED AS BLOCK 2050 LOT 98

AREA: 6,008.1 Square Feet, 0.1379 Acres

TOGETHER WITH THAT CERTAIN LIGHT AND AIR EASEMENT OVER BLOCK 2050 LOT L, MADE BY NEW YORK CITY HOUSING AUTHORITY AND VVV BROOKLYN NY LLC, RECORDED IN THE OFFICE OF NEW YORK CITY REGISTER, KINGS COUNTY AT CRFN 2020000184779. (AFFECTS BLOCK 2050 LOTS 98 AND 100)

Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid true copies.

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.

Certification indicated hereon signify that this survey was prepared in accordance with the existing Code of Practicing Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, or to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owner.

LEGEND & ABBREVIATIONS:

HR	HANDICAP RAMP	→	UTILITY & LIGHT POLE
TB	TRAFFIC BOX	⊙	UTILITY POLE
S.F.	STEEL FACE CURB	○	VENT
RD	ROOF DRAIN	✱	LIGHT POLE
D.C.	DEPRESSED CURB	⚡	FLAG POLE
CB	CATCH BASIN	—	TRAFFIC SIGN
E.O.P	EDGE OF PAVEMENT	⊙	SANITARY MANHOLE
PLNT.	PLANTER	⊙	WATER MANHOLE
T.P.	TREE PIT	⊙	ELECTRIC MANHOLE
CHIM.	CHIMNEY	⊙	TELEPHONE MANHOLE
T.O.P.	TOP OF PIPE	⊙	DRAINAGE MANHOLE
B.O.P.	BOTTOM OF PIPE	⊙	GAS MANHOLE
L	LANDING	⊙	D.O.T. MANHOLE
TW	TOP OF WALL	⊙	EMPIRE CITY SUBWAY MANHOLE
T.O.P.	TOP OF PARAPET	⊙	UNKNOWN MANHOLE
TR.	THRESHOLD	⊙	DRAIN
T.CH.	TOP OF CHIMNEY	⊙	INLET
T.B.	TOP OF BULKHEAD	⊙	MAIL BOX
T.C.	TOP OF CURB	⊙	PARKING METER
B.C.	BOTTOM OF CURB	⊙	TREE
F.S.M.	FINAL SECTION MAP	⊙	SHRUB
✱	—	—	WATER MARK—OUT
✱	—	—	GAS MARK—OUT
✱	—	—	ELECTRIC MARK—OUT
✱	—	—	GAS MANHOLE
✱	—	—	TELEPHONE MARK—OUT
✱	—	—	TELEPHONE MANHOLE
—	—	—	COMMUNICATION MARK—OUT
—	—	—	SANITARY SEWER MARK—OUT
—	—	—	ENVIRONMENTAL EASEMENT AREA

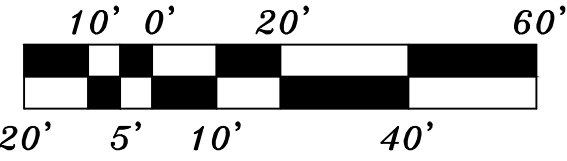
EASEMENT NOTE:

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@DEC.NY.GOV

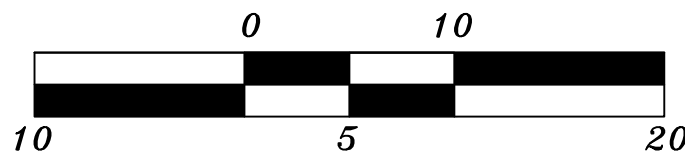
NOTES:

- THE OFFSETS OR DIMENSIONS SHOWN HEREON, FROM THE PROPERTY LINES TO THE STRUCTURES ARE FOR A SPECIFIC PURPOSE AND USE. THEREFORE THEY ARE NOT INTENDED TO MONUMENT PROPERTY LINES OR TO GUIDE THE ERECTION OF FENCES, ADDITIONAL STRUCTURES OR ANY OTHER IMPROVEMENTS.
- CONSULT WITH THE HIGHWAY DEPARTMENT BEFORE DESIGNING, INSTALLING OR MODIFYING ANY NEW OR EXISTING CURBS, WALKS OR ROADWAYS IN THE STREET SHOWN HEREON.
- SUBSURFACE INFORMATION SHOWN HEREON WAS BASED ON VISUAL OBSERVATIONS, VARIOUS CITY DEPARTMENTS, AND/OR PRIVATE UTILITY COMPANIES RECORDS, AND/OR UTILITY MARKOUT. THIS SURVEYOR ACCEPTS NO RESPONSIBILITY FOR ANY OF THIS DATA. SUBSURFACE UTILITIES ARE NOT CERTIFIED AS TO THE ACCURACY AND/OR COMPLETENESS.
- ALL SUBSURFACE UTILITY LOCATION AND DEPTH SHOULD BE RECHECKED AND LEGAL GRADES SHOULD BE VERIFIED WITH THE TOPOGRAPHICAL BUREAU, PREFERABLY IN WRITING BEFORE COMMENCING FINAL DESIGN OR CONSTRUCTION.
- THIS IS TO CERTIFY THAT THERE ARE NO VISIBLE STREAMS OR NATURAL WATER COURSES IN THE PROPERTY AS SHOWN ON THIS SURVEY.
- ELEVATIONS REFER TO THE NAVD88 DATUM.
- REFER TO ARTICLE 36 OF THE GENERAL BUSINESS LAW AND THE PROVISIONS OF INDUSTRIAL CODE PART (RULE NO. 53) BEFORE ANY EXCAVATION OR DEMOLITION IS COMMENCED. THESE LAWS REQUIRE EACH EXCAVATOR TO GIVE ADVANCE NOTICE TO ALL OPERATORS OF UNDERGROUND FACILITIES OF HIS INTENT TO PERFORM EXCAVATION OR DEMOLITION IN THE SPECIFIED AREAS.
- ALL DIMENSIONS ARE IN U.S. STANDARD MEASUREMENTS.
- LEGAL GRADES REFER TO TOP OF CURB.
- EASEMENTS NOT SHOWN ARE NOT GUARANTEED.
- UTILITY MARKOUT IS SHOWN BASED ON TOPOGRAPHIC SURVEY PERFORMED BY BORBAS SURVEYING & MAPPING, LLC ON 09/29/2020
- PER CLIENT'S REQUEST, AREK SURVEYING P.C. WILL NOT ASSUME ANY LIABILITY FOR THAT SURVEY.

GRAPHIC SCALE – FEET
1" = 20'



GRAPHIC SCALE – METERS



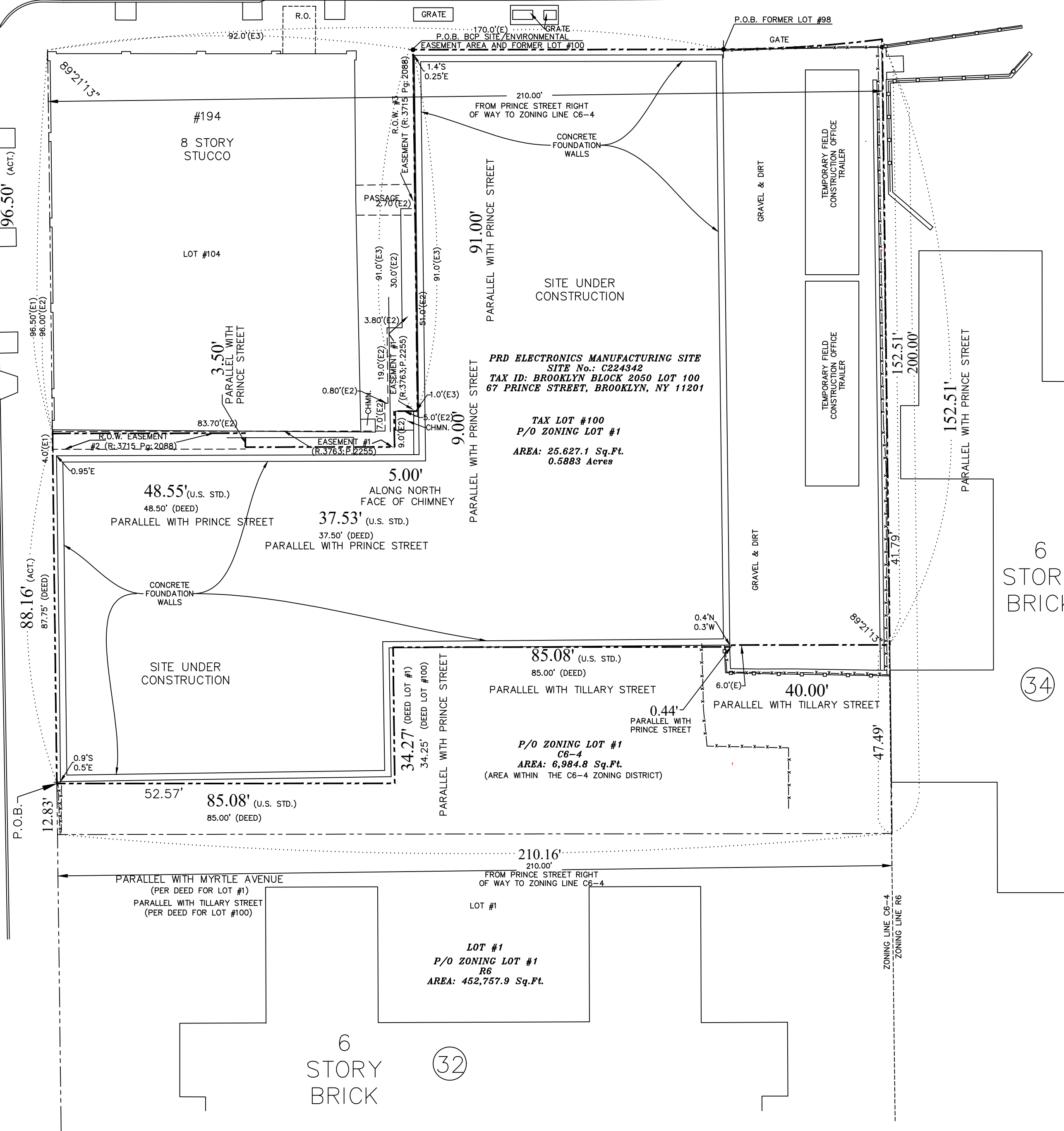
TILLARY STREET (IRREG. WIDTH)

91.08' (U.S. STD.)
91.00' (DEED)

79.08' (U.S. STD.)
79.00' (DEED)

R = 320.0'
L = 7°10'30"
L = 40.08'

PRINCE STREET (50' WIDE)



SURVEY OF PROPERTY LOCATED AT:

#67-73 PRINCE STREET, BROOKLYN
A/K/A 202-208 TILLARY STREET, BROOKLYN
COUNTY OF KINGS
CITY & STATE OF NEW YORK
BLOCK 2050, PRESENT LOT 100
FORMER LOT(S) 98 & 100

REVISIONS DESCRIPTION	PREPARED BY	DATE	FILE	CERTIFY TO:
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EXHIBIT B

WRITTEN CONSENT

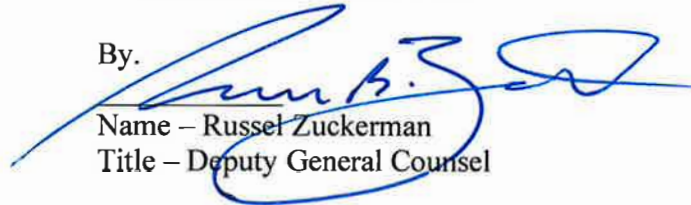
The undersigned, being the legal counsel for 67 Prince Street Ground Owner LLC, which is the owner and ground lessor of the PRD Electronics Brownfield Cleanup Program (BCP) Site No. C224342 located at 202-208 Tillary Street, Brooklyn, New York 11201 (a/k/a 67-73 Prince Street) (Tax Block no. 2050, Lot 100) (collectively the "BCP Site") does hereby certify as follows:

1. 67 Prince Street Ground Owner LLC is a prospective volunteer being added as a party to the Brownfield Cleanup Agreement ("BCA") that was executed in relation to the BCP Site by original Volunteers YYY Brooklyn NY LLC and Brooklyn Red Sauce LLC.
2. The following person, Douglas Heitner, the Chief Legal Officer of 67 Prince Street Ground Owner LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of new BCP Site Volunteer 67 Prince Street Ground Owner LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 5 day of May 2023.

67 Prince Street Ground Owner LLC

By.



Name – Russel Zuckerman

Title – Deputy General Counsel


WRITTEN CONSENT

The undersigned, being a member of Brooklyn Red Sauce LLC, which will be a ground tenant on the PRD Electronics Brownfield Cleanup Program (BCP) Site No. C224342 located at 202-208 Tillary Street, Brooklyn, New York 11201 (a/k/a 67-73 Prince Street) (Tax Block no. 2050, Lot 100) and __ Myrtle Avenue, Brooklyn, New York 11201 (Tax Block no. 2050, Lot 98) (collectively the “BCP Site”) does hereby certify as follows:

1. Brooklyn Red Sauce LLC is a prospective volunteer being added as a party to the Brownfield Cleanup Agreement (“BCA”) that was executed in relation to the BCP Site by original Volunteer YYY Brooklyn NY LLC.

2. The following person, Eli S. Weiss, a member of Brooklyn Red Sauce LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of new BCP Site Volunteer Brooklyn Red Sauce LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this ⁹__ day of September 2022.

By: 

Brooklyn Red Sauce LLC,
a New York limited liability company
Name: Amnon Shalhov
Title: Member

WRITTEN CONSENT

The undersigned, being a member of YYY Brooklyn NY Members LLC, which is a member of YYY Brooklyn NY Mezz LLC, which is a member of YYY Brooklyn NY LLC, does hereby certify as follows:

1. YYY Brooklyn NY LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 202-208 Tillary Street, Brooklyn, New York 11201 (a/k/a 67-73 Prince Street) (Tax Block no. 2050, Lot 100) and ___ Myrtle Avenue, Brooklyn, New York 11201 (Tax Block no. 2050, Lot 98) (collectively the "BCP Site").

2. YYY Brooklyn NY Mezz LLC is the sole member of YYY Brooklyn NY LLC. YYY Brooklyn NY Members LLC is the sole member of YYY Brooklyn NY Mezz LLC. The organizational chart, which includes the names of the members of YYY Brooklyn NY Members LLC, is attached to this document.

3. The following person, Eli S. Weiss, the managing manager of YYY Brooklyn NY Members LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer YYY Brooklyn NY LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 28th day of October 2021.

By:  _____

YYY Brooklyn NY LLC,


a New York limited liability company

Name: Amnon Shalhov

Title: Member

By: YYY Brooklyn NY Mezz LLC, its member

By: YYY Brooklyn NY Members LLC, its member



Name: Amnon Shalhov

Title: Member